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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,528	01/02/2002	Tony Maynard	16600.105001	6033

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KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA, GA 30309-3521

EXAMINER

TRUONG, LAN DAI T

ART UNIT	PAPER NUMBER
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2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/038,528

Applicant(s)

MAYNARD ET AL.

Examiner

Lan-Dai Thi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2006 has been entered.

2. This action is response to communications: application, filed on 01/02/2002; amendment filed 12/22/2006. Claims 1-17, 19-27 are pending; claim 18 is canceled; claims 1-4, 17, 19, 27 are amended

3. The applicant's arguments filed on 12/22/2006 have been fully considered but they are moot in view with new ground for rejections

Response to Arguments

4. Regarding Applicant's arguments to claims 1 and 17 with respect to the Morin does not disclose configuring a message for transmission over a communication network by associating a transmission profile comprising message processing information with the message; no sufficient motivation or suggestion for one of ordinary skill in the art to combine Morin with Chandrasekaran are not persuasive for the following reasons: In the previous Office Actions (sent on 12/01/2005 and 08/22/2006), claim1 is rejected under 35 USC § 102 (e) by

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Chandrasekaran et al. (U.S. 6,397,352) and claim 17 is rejected under 35 USC § 102 (e) by Chen (U.S. 6,836,792)

5. In response to applicant's arguments with respect to the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., configuring a message for transmission over a communication network by associating a transmission profile comprising message processing information with the message) are not recited in the rejected claim(s), filed on 06/01/2006. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. In response to Applicant's arguments to claim 17 with respect to the distinguishes between the Chen and figures of claim 17; because new ground(s) for rejections are provided for amended claim 17 and the Chen is withdrawn as the reference used for claim 17 rejections; so the arguments are not addressed

7. In response to Applicant's arguments to claim 2 with respect to the distinguishes between the Morin and figures of claim 2; because new ground(s) for rejections are provided for amended claim 2 and the Morin is withdrawn as the reference used for claim 2 rejections; so the arguments are not addressed

Drawings objections

8. The drawings are objected to under 37 CFR 1.83(a) because they fail to show (a profile manager 178; a profile database 180; transports 170-176) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be

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shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 17, 19 are rejected under 35 U.S.C 103(a) as being un-patentable over Gupta (U.S. 2001/0039565) in view of Hsu et al. (U.S. 6,757,273) and further in view of Marsh et al. (U.S. 6,876,974)

Regarding Claim 1:

Gupta discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for transmitting and receiving messages between a host computer system application and a distributed computer system application, the message processing system comprising:

A distributed message transmission application associated with the distributed computer system application operative to process a message and to transmit the message to the host computer system application over the communication network: (Gupta discloses a distribution system including communications between a plurality of distribution servers and a plurality of clients; wherein each of distribution server includes “a server application” which shares functionality with “distribution computer system application” as claimed that provides information or services over network: Gupta : [0003], lines 8-12; [0006])

A host system message transmission application associated with a host application and operative to process a message received from the distributed message transmission application: (each of client in the Gupta’s system includes “a client application” which shares functionality with “host application/ host system message transmission application” as claimed that receives the provided information and services: Gupta: [0003], lines 8-12; [0006])

A distributed computer program interface functionally connected to the distributed computer system application and to the distributed message transmission application: (Gupta

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discloses involving of “communication interface/application program interface (API)” which shares functionality with “a distributed computer program interface” as claimed which supports network connections so the computer 200 can send message through the network, network link and communication interface: [0011]; [0050]; [0052]; [0066])

However, Gupta does not explicitly disclose messages are generated by the distributed server for transmitting into network

In analogous art, Hsu discloses computer server generates streaming video or other multimedia data and then distributes to client computers, see (column 1, lines 50-61; column 3, lines 50-65)

However, Gupta- Hsu does not explicitly disclose a profile manager functionally connected to the distributed computer program interface and operative to configure the message for transmission over communication network by associating a transmission profile comprising processing information with the message

In analogous art, Marsh discloses an advertisements distributing system including the “advertisement distribution scheduler” shares functionality with “profile manager” which associates advertisements with contract profiles for further sending advertisements, see (column 15, lines 50-67; column 16, lines 16-30; column 3, lines 15-39)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Marsh’s ideas of associating advertisements with contract profiles for further advertisements processes and Hsu’s ideas of distributing system itself generated messages and distributes the generated messages to client playback computers with

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Gupta's system in order to maximizing advertiser revenues but minimizing system cost, see (Marsh: column 2, lines 64-67)

Regarding Claim 17:

Gupta-Hsu- Marsh discloses a method as discuss in claim 1, which further includes translating the message into a format associated with the network communication network: (Hsu discloses method for converting message into a format compatible with receiving side: (column 3, lines 50-65)

Regarding Claim 2:

Gupta-Hsu- Marsh discloses a method as discuss in claim 1, which further includes one or more communication network devices: (In Gupta's system, "clients" share functionality with "network devices": figure 6, items 602A, 602B, 602C)

Regarding Claim 3:

Gupta-Hsu- Marsh discloses a method as discuss in claim 1, which further includes associating the message with one of the communication network device: (Gupta: column 3, lines 65-67; column 4, lines 1-67)

Regarding claim 19:

In addition to rejection in claim 17, Gupta-Hsu- Marsh further discloses method for configuring the message for transmission over the communication network comprises associating a transmission profile with the message: (Marsh discloses an advertisements distributing system including the "advertisement distribution scheduler" shares functionality with "profile manager" which associates advertisements with contract profiles for further sending advertisements, see (column 15,lines 50-67; column 16, lines 16-30; column 3, lines 15-39)

Claims 4 and 10-12, 15-16, 20 are rejected under 35 U.S.C 103(a) as being unpatentable over Gupta-Hsu- Marsh in view of Law (U.S. 7072845)

Regarding claims 4 and 20:

Gupta-Hsu- Marsh discloses the invention substantially as disclosed in claims 1 and 19, but does not explicitly disclose examining at least one characteristic of the message to determine the transmission profile to be associated with the message

In analogous art, Law discloses associating message type with transmitting profile, see (column 5, lines 34-54)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Law's ideas of associating message type with transmitting profile with Gupta-Hsu- Marsh's system in order to provide an efficient data transmitting system, see (Law: column 1, lines 25-50)

Regarding claim 10:

In addition to rejection in claim 4, Gupta-Hsu- Marsh- Law further discloses the communication network is a peer-to-peer network: (Gupta: figure 4A)

Regarding claim 11:

In addition to rejection in claim 4, Gupta-Hsu- Marsh- Law further discloses the communication network is a client-server network: (Gupta: figure 4A)

Regarding claim 15:

In addition to rejection in claim 4, Gupta-Hsu- Marsh- Law further discloses the message is a broadcast message: (Gupta: [0058])

Regarding claim 16:

This claim is rejected under rationale of claim 1

Regarding claim 12:

In addition to rejection in claim 4, Gupta-Hsu- Marsh- Law further discloses the communication network is a wide area client-server network: (Gupta: [0003])

Claim 26 is rejected under 35 U.S.C 103(a) as being un-patentable over Gupta-Hsu-Marsh in view of Tamir et al. (U.S. 6,957,390)

Regarding claim 26:

Gupta-Hsu- Marsh discloses the invention substantially as disclosed in claim 17, but does not explicitly disclose transport ID

In analogous art, Tamir discloses “session Ids” which shares functionality with “record sequence indicator” as claimed, see (column 7, lines 5-15)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tamir’s ideas of including session Ids in the record with Gupta-Hsu- Marsh’s system in order to provide an efficient data transmitting system

Claim 27 is rejected under 35 U.S.C 103(a) as being un-patentable over Gupta-Hsu-Marsh in view of Navarre et al. (6,205,482)

Regarding claim 27:

Gupta-Hsu- Marsh discloses the invention substantially as disclosed in claim 17, but does not explicitly disclose associating application Identifying with message format

Navarre discloses a method of identifying message type, content to determine routine for delivery message; Navarre further discloses a method of mapping and transiting message format

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for communication between client application and server application, see (column 1, lines 20-35; column 3, lines 13-15; column 3, lines 13-15)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Navarre's ideas of identifying message type, content with Gupta-Hsu- Marsh's system in order to satisfy the requested transactions, see (Navarre: column 3, lines 5-15)

Claims 5, 7-9, 21 and 23-25 are rejected under 35 U.S.C 103(a) as being unpatentable over Gupta-Hsu- Marsh-Law in view of Tamir et al. (U.S. 6,957,390)

Regarding claims 5, 8, 21 and 24:

Gupta-Hsu- Marsh- Law discloses the invention substantially as disclosed in claims 4 and 20, but does not explicitly disclose wherein characteristic is an application identifier

In analogous art, Tamir discloses association between message characteristic and application identifier, see (column 7, lines 5-15)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tamir's ideas of association between message characteristic and application identifier with Gupta-Hsu- Marsh- Law's system in order to provide an efficient data transmitting system

Regarding to claims 7, 9, 23 and 25:

Gupta-Hsu- Marsh- Law discloses the invention substantially as disclosed in claims 4 and 20, but does not explicitly disclose a record sequence indicator: (column 6, lines 49-51)

In analogous art, Tamir discloses "session Ids" which shares functionality with "record sequence indicator" as claimed, see (column 7, lines 5-15)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tamir's ideas of including session Ids in the record with Gupta-Hsu- Marsh- Law's system in order to provide an efficient data transmitting system

Claim 13 is rejected under 35 U.S.C 103(a) as being un-patentable over Gupta-Hsu-Marsh-Law in view of Hunt (2002/0087657)

Regarding claim 13:

Gupta-Hsu- Marsh-Law the method of claim 4, but does not explicitly disclose a request reply message .

In analogous art, Hunt discloses client-server communication system; wherein a reply message is request, see (abstract)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Hunt's ideas of requesting a reply message with Gupta-Hsu-Marsh- Law's system in order to provide an efficient data transmitting system, see (Hunt: [0021])

Claim 14 is rejected under 35 U.S.C 103(a) as being un-patentable over Gupta-Hsu-Marsh-Law in view of Ganesh et al. (6,493,726)

Regarding to claim 14:

Gupta-Hsu- Marsh-Law discloses the method of claim 4, but does not explicitly disclose the message is a send-and-forget message

However, Ganesh discloses Forget messages, see (Ganesh: abstract, lines 11-12)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ganesh's ideas of sending Forget messages with Gupta-Hsu-

Marsh-Law's system in order to perform a forget processing operation, see (Ganesh: abstract, lines 14-15)

Claims 6 and 22 are rejected under 35 U.S.C 103(a) as being un-patentable over Gupta-Hsu- Marsh-Law in view of Bradley et al. (U.S. 6,871,245)

Regarding claims 6 and 22:

Gupta-Hsu- Marsh-Law discloses a method as discuss in claims 4 and 20, which further includes wherein the message characteristic is a serial number

In analogous art, Bradley discloses characteristic of request associated with serial number, see (column 12, line 1-30)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Bradley's ideas of characteristic of request associated with serial number with Gupta-Hsu- Marsh-Law's system in order to provide efficient data distribution system, see (Bradley: column 3, lines 1-17)

The prior arts made of records and not relied upon are considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Exchanging electronic messages between a host computer system and a distributed computer system": 20020035568 (interface and profile manger); (6571279; 20040117496; 6868017: association message with transmitting profile); 6510466; 5940843; 5475819; 6594682; 7065525; 6886017; 6871245


Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

02/27/2007



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER